

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 86

HOUSE BILL 2155

AN ACT

AMENDING SECTIONS 32-1207, 32-1232, 32-1236, 32-1284, 32-1287, 32-1292, 32-1297.01, 32-1297.06 AND 32-1299, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 11, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1271; REPEALING SECTION 32-1292.02, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF DENTAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 32-1207, Arizona Revised Statutes, is amended to read:

32-1207. Powers and duties; executive director; immunity; fees; definition

A. The board shall:

1. Adopt rules not inconsistent with this chapter for the regulation of its own conduct, for holding examinations and for regulating the practice of dentists and supervised personnel and registered business entities, provided:

(a) Regulation of supervised personnel is based on the degree of education and training of the supervised personnel, the state of scientific technology available and the necessary degree of supervision of the supervised personnel by dentists.

(b) Except as provided pursuant to section 32-1281, only licensed dentists may perform diagnosis and treatment planning, prescribe medication and perform surgical procedures on hard and soft tissues.

(c) Only a licensed dentist, or dental hygienist in consultation with a dentist, may perform examinations, oral health assessments and treatment sequencing for dental hygiene procedures.

2. Adopt a seal.

3. Maintain a record that shall remain available to the board at all times of its acts and proceedings, including the issuance, denial, renewal, suspension or revocation of licenses and the disposition of complaints. The existence of a pending complaint or investigation shall not be disclosed to the public. Records of complaints shall be available to the public, except only as follows:

(a) If the board dismisses or terminates a complaint, the record of the complaint shall not be available to the public.

(b) If the board has issued a nondisciplinary letter of concern, the record of the complaint shall be available to the public only for a period of five years after the date the board issued the letter of concern.

(c) If the board has required additional nondisciplinary continuing education pursuant to section 32-1263.01 but has not taken further action, the record of the complaint shall be available to the public only for a period of five years after the licensee satisfies this requirement.

(d) If the board has assessed a nondisciplinary civil penalty pursuant to section 32-1208 but has not taken further action, the record of the complaint shall be available to the public only for a period of five years after the licensee satisfies this requirement.

4. Establish a uniform and reasonable standard of minimum educational requirements consistent with the accreditation standards of the American dental association commission on dental accreditation to be observed by dental schools and dental hygiene schools in order to be classified as recognized dental schools or dental hygiene schools.

1 5. Establish a uniform and reasonable standard of minimum educational
2 requirements that are consistent with the accreditation standards of the
3 United States department of education or the council on higher education
4 accreditation and that must be observed by denture technology schools in
5 order to be classified as recognized denture technology schools.

6 6. Determine the reputability and classification of dental schools,
7 dental hygiene schools and denture technology schools in accordance with
8 their compliance with the standard set forth in paragraph 4 or 5 of this
9 subsection, whichever is applicable.

10 7. Issue licenses to those it determines are eligible for licensure
11 pursuant to this chapter.

12 8. Determine the eligibility of applicants for restricted permits and
13 issue restricted permits to those found eligible.

14 9. Pursuant to section 32-1263.02, investigate charges of misconduct
15 on the part of licensees and persons to whom restricted permits have been
16 issued.

17 10. Issue a letter of concern, which is not a disciplinary action, but
18 refers to practices that may lead to a violation and to disciplinary action.

19 11. Issue decrees of censure, fix periods and terms of probation,
20 suspend or revoke licenses, certificates and restricted permits, as the facts
21 may warrant, and reinstate licenses, certificates and restricted permits in
22 proper cases.

23 12. Collect and disburse monies.

24 13. Perform all other duties that are necessary to enforce this chapter
25 and that are not specifically or by necessary implication delegated to
26 another person.

27 14. Establish criteria for the renewal of permits issued pursuant to
28 board rules relating to general anesthesia and sedation.

29 B. The board may:

30 1. Sue and be sued.

31 2. Issue subpoenas, including subpoenas to the custodian of patient
32 records, compel attendance of witnesses, administer oaths and take testimony
33 concerning all matters within its jurisdiction. If a person refuses to obey
34 a subpoena issued by the board, the refusal shall be certified to the
35 superior court and proceedings shall be instituted for contempt of court.

36 3. Adopt rules:

37 (a) Prescribing requirements for continuing education for renewal of
38 all licenses issued pursuant to this chapter.

39 (b) Prescribing educational and experience prerequisites for the
40 administration of intravenous or intramuscular drugs for the purpose of
41 sedation or for use of general anesthetics in conjunction with a dental
42 treatment procedure.

43 (c) Prescribing requirements for obtaining licenses for disabled or
44 retired licensees, including the triennial license renewal fee.

1 4. Hire consultants to assist the board in the performance of its
2 duties and employ persons to provide investigative, professional and clerical
3 assistance as it deems necessary.

4 5. Contract with other state or federal agencies as required to carry
5 out the purposes of this chapter.

6 6. IF IT DETERMINES NECESSARY, order and ~~evaluate~~ physical,
7 psychological, psychiatric and competency ~~testing~~ EVALUATIONS of licensed
8 dentists and dental hygienists, and certified denturists and ~~candidates~~
9 APPLICANTS for licensure and certification. ~~as the board determines~~
10 ~~necessary.~~

11 C. THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE MAY:
12 1. ISSUE AND RENEW LICENSES, CERTIFICATES AND PERMITS TO APPLICANTS
13 WHO MEET THE REQUIREMENTS OF THIS CHAPTER.

14 2. INITIATE AN INVESTIGATION IF EVIDENCE APPEARS TO DEMONSTRATE THAT A
15 DENTIST, DENTAL HYGIENIST, DENTURIST OR RESTRICTED PERMIT HOLDER MAY BE
16 ENGAGED IN UNPROFESSIONAL CONDUCT OR MAY BE UNABLE TO SAFELY PRACTICE
17 DENTISTRY.

18 3. INITIATE AN INVESTIGATION IF EVIDENCE APPEARS TO DEMONSTRATE THAT A
19 BUSINESS ENTITY MAY BE ENGAGED IN UNETHICAL CONDUCT.

20 4. SUBJECT TO BOARD APPROVAL, ENTER INTO A CONSENT AGREEMENT WITH A
21 DENTIST, DENTURIST, DENTAL HYGIENIST OR RESTRICTED PERMIT HOLDER IF THERE IS
22 EVIDENCE OF UNPROFESSIONAL CONDUCT.

23 5. SUBJECT TO BOARD APPROVAL, ENTER INTO A CONSENT AGREEMENT WITH A
24 BUSINESS ENTITY IF THERE IS EVIDENCE OF UNETHICAL CONDUCT.

25 ~~G.~~ D. Members of the board are personally immune from liability with
26 respect to all acts done and actions taken in good faith and within the scope
27 of their authority.

28 ~~D.~~ E. The board by rule shall require that a licensee obtain a permit
29 for the application of general anesthesia, semiconscious sedation or
30 conscious sedation, shall establish and collect a fee of not more than three
31 hundred dollars to cover administrative costs connected with issuing the
32 permit and shall conduct inspections to assure compliance.

33 ~~E.~~ F. The board by rule may establish and collect fees for license
34 verification, board meeting agendas and minutes, published lists and mailing
35 labels.

36 ~~F.~~ G. ~~Nothing in This section prohibits~~ DOES NOT PROHIBIT the board
37 from conducting its authorized duties in a public meeting.

38 ~~G.~~ H. For the purposes of this section, "record of complaint" means
39 the document reflecting the final disposition of a complaint or
40 investigation.

41 Sec. 2. Section 32-1232, Arizona Revised Statutes, is amended to read:
42 32-1232. Qualifications of applicant; application; fee

43 A. An applicant for licensure shall be of good moral character, shall
44 meet the requirements of section 32-1233 and shall hold a diploma conferring

1 a degree of doctor of dental medicine or doctor of dental surgery from a
2 recognized dental school.

3 B. Each candidate shall submit a written application to the board
4 accompanied by a nonrefundable Arizona dental jurisprudence examination fee
5 of three hundred dollars. The board shall waive this fee for candidates who
6 are holders of valid restricted permits.

7 C. The board may deny an application for a license, ~~an application to~~
8 ~~take an examination for a license~~ FOR LICENSE RENEWAL or ~~an application for a~~
9 restricted permit if the applicant:

10 1. HAS committed any act that would be cause for censure, probation or
11 suspension or revocation of a license under this chapter.

12 2. While unlicensed, committed or aided and abetted the commission of
13 any act for which a license is required by this chapter.

14 3. Knowingly made any false statement in the application.

15 4. HAS had a license to practice dentistry revoked by a dental
16 regulatory board in another jurisdiction in the United States for an act that
17 occurred in that jurisdiction and that constitutes unprofessional conduct
18 pursuant to this chapter.

19 5. Is currently under suspension or restriction by a dental regulatory
20 board in another jurisdiction in the United States for an act that occurred
21 in that jurisdiction and that constitutes unprofessional conduct pursuant to
22 this chapter.

23 6. HAS surrendered, relinquished or gave GIVEN up a license to
24 practice dentistry in lieu of disciplinary action by a dental regulatory
25 board in another jurisdiction in the United States for an act that occurred
26 in that jurisdiction and that constitutes unprofessional conduct pursuant to
27 this chapter.

28 D. The board shall suspend an application for a license, ~~an~~
29 ~~application to take an examination for a license~~ FOR LICENSE RENEWAL or ~~an~~
30 ~~application~~ for a restricted permit if the applicant is currently under
31 investigation by a dental regulatory board in another jurisdiction. The
32 board shall not issue or deny a license to the applicant until the
33 investigation is resolved.

34 Sec. 3. Section 32-1236, Arizona Revised Statutes, is amended to read:

35 32-1236. Dentist triennial licensure; continuing education;
36 license reinstatement; license for each place of
37 practice; notice of change of address or place of
38 practice; retired and disabled licensees; penalties

39 A. Except as provided in section 32-4301, A LICENSE EXPIRES on or
40 before June 30 of every third year. ~~— ON OR BEFORE JUNE 30 OF EVERY THIRD~~
41 ~~YEAR, every licensed dentist shall submit to the board a passport-size~~
42 ~~photograph taken of the dentist within the previous six months COMPLETE~~
43 ~~RENEWAL APPLICATION and pay a LICENSE RENEWAL fee of six hundred fifty~~
44 ~~dollars. The fee prescribed by this subsection does not apply to a LICENSEE~~
45 ~~IN disabled or retired licensee STATUS.~~

1 B. A LICENSEE SHALL INCLUDE A WRITTEN AFFIDAVIT WITH THE RENEWAL
2 APPLICATION THAT AFFIRMS THAT THE LICENSEE COMPLIES WITH BOARD RULES RELATING
3 TO CONTINUING EDUCATION REQUIREMENTS. A LICENSEE IS NOT REQUIRED TO COMPLETE
4 THE WRITTEN AFFIDAVIT IF THE LICENSEE RECEIVED AN INITIAL LICENSE WITHIN THE
5 YEAR IMMEDIATELY PRECEDING THE EXPIRATION DATE OF THE LICENSE OR THE LICENSEE
6 IS IN DISABLED STATUS. IF THE LICENSEE IS NOT IN COMPLIANCE WITH BOARD RULES
7 RELATING TO CONTINUING EDUCATION, THE BOARD MAY GRANT AN EXTENSION OF TIME TO
8 COMPLETE THESE REQUIREMENTS IF THE LICENSEE INCLUDES A WRITTEN REQUEST FOR AN
9 EXTENSION WITH THE RENEWAL APPLICATION INSTEAD OF THE WRITTEN AFFIDAVIT AND
10 THE RENEWAL APPLICATION IS RECEIVED ON OR BEFORE JUNE 30 OF THE EXPIRATION
11 YEAR. THE BOARD SHALL CONSIDER THE EXTENSION REQUEST BASED ON CRITERIA
12 PRESCRIBED BY THE BOARD BY RULE. IF THE BOARD DENIES AN EXTENSION REQUEST,
13 THE LICENSE EXPIRES ON AUGUST 30.

14 B. C. A person applying for licensure for the first time in this
15 state shall pay a prorated fee for the period remaining until the next
16 June 30. This fee shall not exceed one-third of the fee established pursuant
17 to subsection A of this section. Subsequent licensure renewal shall be
18 conducted pursuant to this section.

19 ~~C. A person who fails to pay a fee prescribed by this section forfeits~~
20 ~~the license. A license may be reinstated in the fiscal year in which it is~~
21 ~~forfeited by submitting a written application with payment of the fee plus a~~
22 ~~penalty of one hundred dollars. During the second fiscal year following~~
23 ~~forfeiture, reinstatement may be effected by submitting a written application~~
24 ~~and payment of the fees and all accumulated penalty fees. If a person fails~~
25 ~~to pay the fees for reinstatement before the beginning of the third fiscal~~
26 ~~year following the forfeiture of the license, the board shall require that~~
27 ~~person to successfully complete the regular examination before the board~~
28 ~~reinstates the license. Whenever issued, reinstatement is as of the date of~~
29 ~~application and entitles the applicant to licensure only for the remainder of~~
30 ~~the applicable three year period.~~

31 D. AN EXPIRED LICENSE MAY BE REINSTATED BY SUBMITTING A COMPLETE
32 RENEWAL APPLICATION WITHIN THE TWENTY-FOUR MONTH PERIOD IMMEDIATELY FOLLOWING
33 THE EXPIRATION OF THE LICENSE WITH PAYMENT OF THE RENEWAL FEE AND A ONE
34 HUNDRED DOLLAR PENALTY. WHENEVER ISSUED, REINSTATEMENT IS AS OF THE DATE OF
35 APPLICATION AND ENTITLES THE APPLICANT TO LICENSURE ONLY FOR THE REMAINDER OF
36 THE APPLICABLE THREE YEAR PERIOD. IF A PERSON DOES NOT REINSTATE A LICENSE
37 PURSUANT TO THIS SUBSECTION, THE PERSON MUST REAPPLY FOR LICENSURE PURSUANT
38 TO THIS CHAPTER.

39 ~~D.~~ E. Each licensee must provide to the board in writing both of the
40 following:

- 41 1. A primary mailing address.
- 42 2. The address for each place of practice.

43 ~~E.~~ F. A licensee maintaining more than one place of practice shall
44 obtain from the board a duplicate license for each office. A fee set by the
45 board shall be charged for each duplicate license. The licensee shall notify

1 the board in writing within ten days of opening the additional place or
2 places of practice. The board shall impose a penalty of fifty dollars for
3 failure to notify the board.

4 ~~F.~~ G. A licensee who is over sixty-five years of age and who is fully
5 retired and a licensee who is permanently disabled may contribute services to
6 a recognized charitable institution and still retain that classification for
7 triennial registration purposes on payment of a reduced renewal fee as
8 prescribed by the board by rule.

9 ~~G.~~ H. A licensee applying for retired or disabled status shall
10 relinquish any prescribing privileges and shall provide evidence that the
11 licensee has surrendered to the United States drug enforcement administration
12 any registration issued pursuant to the federal controlled ~~substance~~
13 SUBSTANCES act and has surrendered to the board any registration issued
14 pursuant to section 36-2606. If the licensee holds a permit to dispense drugs
15 and devices pursuant to section 32-1298, the licensee shall surrender that
16 permit to the board.

17 ~~H.~~ I. A licensee who changes the licensee's primary mailing address
18 or place of practice address shall notify the board of that change in writing
19 within ten days. The board shall impose a penalty of fifty dollars if a
20 licensee fails to notify the board of the change within that time. The board
21 shall increase the penalty imposed to one hundred dollars if a licensee fails
22 to notify it of the change within thirty days.

23 Sec. 4. Title 32, chapter 11, article 3, Arizona Revised Statutes, is
24 amended by adding section 32-1271, to read:

25 32-1271. Marking of dentures for identification; retention and
26 release of information

27 A. EVERY COMPLETE UPPER OR LOWER DENTURE FABRICATED BY A LICENSED
28 DENTIST, OR FABRICATED PURSUANT TO THE DENTIST'S WORK ORDER, MUST BE MARKED
29 WITH THE PATIENT'S NAME UNLESS THE PATIENT OBJECTS. THE MARKING MUST BE DONE
30 DURING FABRICATION AND MUST BE PERMANENT, LEGIBLE AND COSMETICALLY
31 ACCEPTABLE. THE DENTIST OR THE DENTAL LABORATORY SHALL DETERMINE THE
32 LOCATION OF THE MARKING AND THE METHODS USED TO IMPLANT OR APPLY IT. THE
33 DENTIST MUST INFORM THE PATIENT THAT THE MARKING IS USED ONLY TO IDENTIFY THE
34 PATIENT, AND THE PATIENT MAY CHOOSE WHICH MARKING IS TO APPEAR ON THE
35 DENTURES.

36 B. THE DENTIST MUST RETAIN THE RECORDS OF MARKED DENTURES AND MAY NOT
37 RELEASE THE RECORDS TO ANY PERSON EXCEPT TO LAW ENFORCEMENT OFFICERS IN ANY
38 EMERGENCY THAT REQUIRES PERSONAL IDENTIFICATION BY MEANS OF DENTAL RECORDS OR
39 TO ANYONE AUTHORIZED BY THE PATIENT TO RECEIVE THIS INFORMATION.

40 Sec. 5. Section 32-1284, Arizona Revised Statutes, is amended to read:

41 32-1284. Qualifications of applicant; application; fee; rules;
42 denial or suspension of application

43 A. An applicant for licensure as a dental hygienist shall be at least
44 eighteen years of age, shall be of good moral character, shall meet the
45 requirements of section 32-1285 and shall present to the board evidence of

1 graduation or a certificate of satisfactory completion in a course or
2 curriculum in dental hygiene from a recognized dental hygiene school. A
3 candidate shall make written application to the board accompanied by a
4 nonrefundable Arizona dental jurisprudence examination fee of one hundred
5 dollars. The board shall waive this fee for candidates who are holders of
6 valid restricted permits.

7 B. The board shall adopt rules that govern the practice of dental
8 hygienists and that are not inconsistent with this chapter.

9 C. THE BOARD MAY DENY AN APPLICATION FOR LICENSURE OR AN APPLICATION
10 FOR LICENSE RENEWAL IF THE APPLICANT:

11 1. HAS COMMITTED AN ACT THAT WOULD BE CAUSE FOR CENSURE, PROBATION OR
12 SUSPENSION OR REVOCATION OF A LICENSE UNDER THIS CHAPTER.

13 2. WHILE UNLICENSED, COMMITTED OR AIDED AND ABETTED THE COMMISSION OF
14 AN ACT FOR WHICH A LICENSE IS REQUIRED BY THIS CHAPTER.

15 3. KNOWINGLY MADE ANY FALSE STATEMENT IN THE APPLICATION.

16 4. HAS HAD A LICENSE TO PRACTICE DENTAL HYGIENE REVOKED BY A
17 REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT
18 OCCURRED IN THAT JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT
19 PURSUANT TO THIS CHAPTER.

20 5. IS CURRENTLY UNDER SUSPENSION OR RESTRICTION BY A REGULATORY BOARD
21 IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED IN THAT
22 JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
23 CHAPTER.

24 6. HAS SURRENDERED, RELINQUISHED OR GIVEN UP A LICENSE TO PRACTICE
25 DENTAL HYGIENE INSTEAD OF DISCIPLINARY ACTION BY A REGULATORY BOARD IN
26 ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED IN THAT
27 JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
28 CHAPTER.

29 D. THE BOARD SHALL SUSPEND AN APPLICATION FOR A LICENSE IF THE
30 APPLICANT IS CURRENTLY UNDER INVESTIGATION BY A DENTAL REGULATORY BOARD IN
31 ANOTHER JURISDICTION. THE BOARD SHALL NOT ISSUE OR DENY A LICENSE TO THE
32 APPLICANT UNTIL THE INVESTIGATION IS RESOLVED.

33 Sec. 6. Section 32-1287, Arizona Revised Statutes, is amended to read:

34 32-1287. Dental hygienist triennial licensure; continuing
35 education; license reinstatement; notice of change
36 of address; penalties; retired and disabled
37 licensees

38 A. Except as provided in section 32-4301, A LICENSE EXPIRES on or
39 before June 30 of every third year. — ON OR BEFORE JUNE 30 OF EVERY THIRD
40 YEAR, every licensed dental hygienist shall SUBMIT TO THE BOARD A COMPLETE
41 RENEWAL APPLICATION AND pay a license renewal fee of three hundred
42 twenty-five dollars. The fee prescribed by this section does not apply to a
43 retired or disabled hygienist.

44 B. A LICENSEE SHALL INCLUDE A WRITTEN AFFIDAVIT WITH THE RENEWAL
45 APPLICATION THAT AFFIRMS THAT THE LICENSEE COMPLIES WITH BOARD RULES RELATING

1 TO CONTINUING EDUCATION REQUIREMENTS. A LICENSEE IS NOT REQUIRED TO COMPLETE
2 THE WRITTEN AFFIDAVIT IF THE LICENSEE RECEIVED AN INITIAL LICENSE WITHIN THE
3 YEAR IMMEDIATELY PRECEDING THE EXPIRATION DATE OF THE LICENSE OR THE LICENSEE
4 IS IN DISABLED STATUS. IF THE LICENSEE IS NOT IN COMPLIANCE WITH BOARD RULES
5 RELATING TO CONTINUING EDUCATION, THE BOARD MAY GRANT AN EXTENSION OF TIME TO
6 COMPLETE THESE REQUIREMENTS IF THE LICENSEE INCLUDES A WRITTEN REQUEST FOR AN
7 EXTENSION WITH THE RENEWAL APPLICATION INSTEAD OF THE WRITTEN AFFIDAVIT AND
8 THE RENEWAL APPLICATION IS RECEIVED ON OR BEFORE JUNE 30 OF THE EXPIRATION
9 YEAR. THE BOARD SHALL CONSIDER THE EXTENSION REQUEST BASED ON CRITERIA
10 PRESCRIBED BY THE BOARD BY RULE. IF THE BOARD DENIES AN EXTENSION REQUEST,
11 THE LICENSE EXPIRES ON AUGUST 30 OF THE EXPIRATION YEAR.

12 B. C. A person applying for a license for the first time in this
13 state shall pay a prorated fee for the period remaining until the next
14 June 30. This fee shall not exceed one-third of the fee established pursuant
15 to subsection A. Subsequent registrations shall be conducted pursuant to
16 this section.

17 ~~C. A person who fails to pay a fee prescribed by this section forfeits~~
18 ~~the license. A license may be reinstated in the fiscal year in which it is~~
19 ~~forfeited by submitting a written application with payment of the fee plus a~~
20 ~~penalty of one hundred dollars. During the second fiscal year following~~
21 ~~forfeiture, reinstatement may be effected by submitting a written application~~
22 ~~and payment of the fees and all accumulated penalty fees. If a person fails~~
23 ~~to pay the fees for reinstatement before the beginning of the third fiscal~~
24 ~~year following forfeiture of the license, the board shall require that the~~
25 ~~person successfully complete the regular examination before the board~~
26 ~~reinstates the license. Whenever issued, reinstatement is as of the date of~~
27 ~~application and entitles the applicant to licensure only for the remainder of~~
28 ~~the applicable three year period.~~

29 D. AN EXPIRED LICENSE MAY BE REINSTATED BY SUBMITTING A COMPLETE
30 RENEWAL APPLICATION WITHIN THE TWENTY-FOUR MONTH PERIOD IMMEDIATELY FOLLOWING
31 THE EXPIRATION OF THE LICENSE WITH PAYMENT OF THE RENEWAL FEE AND A ONE
32 HUNDRED DOLLAR PENALTY. WHENEVER ISSUED, REINSTATEMENT IS AS OF THE DATE OF
33 APPLICATION AND ENTITLES THE APPLICANT TO LICENSURE ONLY FOR THE REMAINDER OF
34 THE APPLICABLE THREE YEAR PERIOD. IF A PERSON DOES NOT REINSTATE A LICENSE
35 PURSUANT TO THIS SUBSECTION, THE PERSON MUST REAPPLY FOR LICENSURE PURSUANT
36 TO THIS CHAPTER.

37 ~~D.~~ E. A licensee shall notify the board in writing within ten days
38 after the licensee changes the primary mailing address listed with the board.
39 The board shall impose a penalty of fifty dollars if a licensee fails to
40 notify the board of the change within that time. The board shall increase
41 the penalty imposed to one hundred dollars if a licensee fails to notify it
42 of the change within thirty days.

43 ~~E.~~ F. A licensee who is over sixty-five years of age and who is fully
44 retired and a licensee who is permanently disabled may contribute services to
45 a recognized charitable institution and still retain that classification for

1 triennial registration purposes on payment of a reduced renewal fee as
2 prescribed by the board by rule.

3 Sec. 7. Section 32-1292, Arizona Revised Statutes, is amended to read:
4 32-1292. Restricted permits; suspension; expiration; renewal

5 A. The board may issue a restricted permit to practice dental hygiene
6 to an applicant who:

7 1. Has a pending contract with a recognized charitable dental clinic
8 or organization that offers dental hygiene services without compensation or
9 at a rate that reimburses the clinic only for dental supplies and overhead
10 costs and the applicant will not receive compensation for dental hygiene
11 services provided at the clinic or organization.

12 2. Has a license to practice dental hygiene issued by a regulatory
13 jurisdiction in the United States.

14 3. Has been actively engaged in the practice of dental hygiene for
15 three years immediately preceding the application.

16 4. Is, to the board's satisfaction, competent to practice dental
17 hygiene.

18 5. Meets the requirements of section 32-1284, subsection A that do not
19 relate to examination.

20 B. A person who holds a restricted permit issued by the board may
21 practice dental hygiene only in the course of the person's employment by a
22 recognized charitable dental clinic or organization approved by the board.

23 C. The applicant for a restricted permit must file a copy of the
24 person's employment contract with the board that includes a statement signed
25 by the applicant that the applicant:

26 1. Understands that if that person's employment is terminated before
27 the restricted permit expires, the permit is automatically revoked and that
28 person must voluntarily surrender the permit to the board and is no longer
29 eligible to practice unless that person meets the requirements of sections
30 32-1284 and 32-1285 or passes the examination required in this article.

31 2. Must be employed without compensation by a dental clinic or
32 organization that is operated for a charitable purpose.

33 3. Is subject to the provisions of this chapter that apply to the
34 regulation of dental hygienists.

35 D. The board may deny an application for a restricted permit if the
36 applicant ~~has~~:

37 1. HAS committed an act that is a cause for disciplinary action
38 pursuant to this chapter.

39 2. While unlicensed, committed or aided and abetted the commission of
40 any act for which a license is required pursuant to this chapter.

41 3. Knowingly made a false statement in the application.

42 4. HAS HAD A LICENSE TO PRACTICE DENTAL HYGIENE REVOKED BY A DENTAL
43 REGULATORY BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT
44 OCCURRED IN THAT JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT
45 PURSUANT TO THIS CHAPTER.

1 5. IS CURRENTLY UNDER SUSPENSION OR RESTRICTION BY A DENTAL REGULATORY
2 BOARD IN ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED
3 IN THAT JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO
4 THIS CHAPTER.

5 6. HAS SURRENDERED, RELINQUISHED OR GIVEN UP A LICENSE TO PRACTICE
6 DENTAL HYGIENE INSTEAD OF DISCIPLINARY ACTION BY A DENTAL REGULATORY BOARD IN
7 ANOTHER JURISDICTION IN THE UNITED STATES FOR AN ACT THAT OCCURRED IN THAT
8 JURISDICTION AND THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS
9 CHAPTER.

10 E. THE BOARD SHALL SUSPEND AN APPLICATION FOR A RESTRICTED PERMIT OR
11 AN APPLICATION FOR RESTRICTED PERMIT RENEWAL IF THE APPLICANT IS CURRENTLY
12 UNDER INVESTIGATION BY A DENTAL REGULATORY BOARD IN ANOTHER JURISDICTION.
13 THE BOARD SHALL NOT ISSUE OR DENY A RESTRICTED PERMIT TO THE APPLICANT UNTIL
14 THE INVESTIGATION IS RESOLVED.

15 ~~E.~~ F. A restricted permit expires either one year ~~from~~ AFTER the date
16 of issue or June 30, whichever date first occurs. The board may renew a
17 restricted permit for terms that do not exceed one year.

18 Sec. 8. Repeal

19 Section 32-1292.02, Arizona Revised Statutes, is repealed.

20 Sec. 9. Section 32-1297.01, Arizona Revised Statutes, is amended to
21 read:

22 32-1297.01. Application for certification; denial; suspension

23 A. Each applicant for certification shall submit a written application
24 to the board accompanied by a nonrefundable jurisprudence examination fee.

25 B. The board may deny an application ~~to take an examination~~ FOR
26 CERTIFICATION OR FOR CERTIFICATION RENEWAL if the applicant:

27 1. Has committed any act that would be cause for censure, probation,
28 suspension or revocation of a certificate under this chapter.

29 2. Has knowingly made any false statement in the application.

30 3. While uncertified, has committed or aided and abetted the
31 commission of any act for which a certificate is required under this chapter.

32 4. Has had a certificate to practice denture technology revoked by a
33 regulatory board in another jurisdiction in the United States or Canada for
34 an act that occurred in that jurisdiction and that constitutes unprofessional
35 conduct pursuant to this chapter.

36 5. Is currently under investigation, suspension or restriction by a
37 regulatory board in another jurisdiction in the United States or Canada for
38 an act that occurred in that jurisdiction and that constitutes unprofessional
39 conduct pursuant to this chapter. ~~If the applicant is under investigation by~~
40 ~~a regulatory board in another jurisdiction, the board shall suspend the~~
41 ~~application process and may not issue or deny a certificate to the applicant~~
42 ~~until the investigation is resolved.~~

43 6. Has surrendered, relinquished or given up a certificate to practice
44 denture technology in lieu of disciplinary action by a regulatory board in
45 another jurisdiction in the United States or Canada for an act that occurred

1 in that jurisdiction and that constitutes unprofessional conduct pursuant to
2 this chapter.

3 C. THE BOARD SHALL SUSPEND AN APPLICATION FOR CERTIFICATION IF THE
4 APPLICANT IS CURRENTLY UNDER INVESTIGATION BY A DENTURIST REGULATORY BOARD IN
5 ANOTHER JURISDICTION. THE BOARD SHALL NOT ISSUE OR DENY CERTIFICATION TO THE
6 APPLICANT UNTIL THE INVESTIGATION IS RESOLVED.

7 Sec. 10. Section 32-1297.06, Arizona Revised Statutes, is amended to
8 read:

9 32-1297.06. Denturist certification; continuing education;
10 certificate reinstatement; certificate for each
11 place of practice; notice of change of address or
12 place of practice; penalties

13 A. Except as provided in section 32-4301, A CERTIFICATION EXPIRES on
14 ~~or before~~ June 30 of every third year. ~~— ON OR BEFORE JUNE 30 OF EVERY~~
15 ~~THIRD YEAR,~~ every certified denturist shall SUBMIT TO THE BOARD A COMPLETE
16 RENEWAL APPLICATION AND SHALL pay a certificate renewal fee of three hundred
17 dollars. This requirement does not apply to a disabled or retired denturist
18 STATUS.

19 B. A CERTIFICATE HOLDER SHALL INCLUDE A WRITTEN AFFIDAVIT WITH THE
20 RENEWAL APPLICATION THAT AFFIRMS THAT THE CERTIFICATE HOLDER COMPLIES WITH
21 BOARD RULES RELATING TO CONTINUING EDUCATION REQUIREMENTS. A CERTIFICATE
22 HOLDER IS NOT REQUIRED TO COMPLETE THE WRITTEN AFFIDAVIT IF THE CERTIFICATE
23 HOLDER RECEIVED AN INITIAL CERTIFICATION WITHIN THE YEAR IMMEDIATELY
24 PRECEDING THE EXPIRATION DATE OF THE CERTIFICATE OR THE CERTIFICATE HOLDER IS
25 IN DISABLED STATUS. IF THE CERTIFICATE HOLDER IS NOT IN COMPLIANCE WITH
26 BOARD RULES RELATING TO CONTINUING EDUCATION, THE BOARD MAY GRANT AN
27 EXTENSION OF TIME TO COMPLETE THESE REQUIREMENTS IF THE CERTIFICATE HOLDER
28 INCLUDES A WRITTEN REQUEST FOR AN EXTENSION WITH THE RENEWAL APPLICATION
29 INSTEAD OF THE WRITTEN AFFIDAVIT AND THE RENEWAL APPLICATION IS RECEIVED ON
30 OR BEFORE JUNE 30 OF THE EXPIRATION YEAR. THE BOARD SHALL CONSIDER THE
31 EXTENSION REQUEST BASED ON CRITERIA PRESCRIBED BY THE BOARD BY RULE. IF THE
32 BOARD DENIES AN EXTENSION REQUEST, THE CERTIFICATE EXPIRES ON AUGUST 30 OF
33 THE EXPIRATION YEAR.

34 B. C. A person applying for a certificate for the first time in this
35 state shall pay a prorated fee for the period remaining until the next
36 June 30. This fee shall not exceed one-third of the fee established pursuant
37 to subsection A. Subsequent certifications shall be conducted pursuant to
38 this section.

39 ~~C. A person who does not pay a fee as prescribed by this section~~
40 ~~forfeits the certificate. A certificate may be reinstated in the fiscal year~~
41 ~~in which it is forfeited by submitting a written application with payment of~~
42 ~~the renewal fee plus a one hundred dollar penalty. During the second fiscal~~
43 ~~year following forfeiture, reinstatement may be effected by submitting a~~
44 ~~written application and payment of the fees and all accumulated penalty fees.~~
45 ~~If a person fails to pay the fees for reinstatement before the beginning of~~

~~the third fiscal year following the forfeiture of that person's certificate, the board shall require that the person successfully complete the regular examination before the board reinstates the certificate. Whenever issued, reinstatement is as of the date of application and entitles the applicant to certification only for the remainder of the applicable three year period.~~

D. AN EXPIRED CERTIFICATE MAY BE REINSTATED BY SUBMITTING A COMPLETE RENEWAL APPLICATION WITHIN THE TWENTY-FOUR MONTH PERIOD IMMEDIATELY FOLLOWING THE EXPIRATION OF THE CERTIFICATE WITH PAYMENT OF THE RENEWAL FEE AND A ONE HUNDRED DOLLAR PENALTY. WHENEVER ISSUED, REINSTATEMENT IS AS OF THE DATE OF APPLICATION AND ENTITLES THE APPLICANT TO CERTIFICATION ONLY FOR THE REMAINDER OF THE APPLICABLE THREE YEAR PERIOD. IF A PERSON DOES NOT REINSTATE A CERTIFICATE PURSUANT TO THIS SUBSECTION, THE PERSON MUST REAPPLY FOR CERTIFICATION PURSUANT TO THIS CHAPTER.

~~D.~~ E. Each certificate holder must provide to the board in writing both of the following:

1. A primary mailing address.
2. The address for each place of practice.

~~E.~~ F. A certificate holder maintaining more than one place of practice shall obtain from the board a duplicate certificate for each office. The board shall set and charge a fee for each duplicate certificate. A certificate holder shall notify the board in writing within ten days of opening an additional place of practice.

~~F.~~ G. A certificate holder shall notify the board in writing within ten days after changing a primary mailing address or place of practice address listed with the board. The board shall impose a fifty dollar penalty if a certificate holder fails to notify the board of the change within that time. The board shall increase the penalty imposed to one hundred dollars if a certificate holder fails to notify it of the change within thirty days.

Sec. 11. Section 32-1299, Arizona Revised Statutes, is amended to read:

32-1299. Substance abuse treatment and rehabilitation program; private contract; funding; confidential stipulation agreement

A. The board may establish a CONFIDENTIAL program for the treatment and rehabilitation of dentists, denturists and dental hygienists who are impaired by alcohol or drug abuse. This program shall include education, intervention, therapeutic treatment and ~~post-treatment~~ POSTTREATMENT monitoring and support.

B. The board may contract with other organizations to operate the program established pursuant to this section. A contract with a private organization shall include the following requirements:

1. Periodic reports to the board regarding treatment program activity.
2. Release to the board on demand of all treatment records.

1 3. Quarterly PERIODIC reports to the board regarding each dentist's,
2 denturist's or dental hygienist's diagnosis and prognosis and recommendations
3 for continuing care, treatment and supervision.

4 4. Immediate reporting to the board of the name of an impaired
5 practitioner who the treating organization believes to be a danger to the
6 public or himself.

7 5. Immediate reporting to the board of the name of a practitioner who
8 refuses to submit to treatment or whose impairment is not substantially
9 alleviated through treatment.

10 C. The board may allocate an amount of not more than twenty dollars
11 annually or sixty dollars triennially from each fee it collects from the
12 renewal of active licenses for the operation of the program established by
13 this section.

14 D. A dentist, denturist or hygienist who, in the opinion of the board,
15 is impaired by alcohol or drug abuse shall agree to enter into a CONFIDENTIAL
16 NONDISCIPLINARY stipulation agreement with the board. The board shall place
17 a licensee OR CERTIFICATE HOLDER on probation if the licensee OR CERTIFICATE
18 HOLDER refuses to enter into a stipulation agreement with the board and may
19 take other action as provided by law. The board may also refuse to issue a
20 license OR CERTIFICATE to an applicant if the applicant refuses to enter into
21 a stipulation agreement with the board.

22 E. SUBJECT TO THE BOARD'S APPROVAL, THE EXECUTIVE DIRECTOR MAY ENTER
23 INTO A STIPULATION AGREEMENT WITH ANY PERSON UNDER THE BOARD'S JURISDICTION
24 FOR THE TREATMENT, REHABILITATION AND MONITORING OF CHEMICAL SUBSTANCE ABUSE
25 OR MISUSE.

26 Sec. 12. Dentists; continuing education requirements;
27 remote learning

28 Until rules on this subject are adopted by the dental board, attendance
29 by a dentist at a remote site by means of audio-video technology to a
30 seminar, symposium or lecture, which otherwise complies with rules adopted by
31 the board and which records the dentist's attendance, at which the dentist is
32 provided all seminar, symposium or lecture materials, and the technology
33 permits remote attendees to fully participate in the seminar, symposium or
34 lecture, is deemed an acceptable equivalent to personal attendance at the
35 seminar, symposium or lecture to meet the requirements for continuing
36 education for renewal of licenses prescribed in section 32-1207,
37 subsection B, paragraph 3, subdivision (a), Arizona Revised Statutes.

~~APPROVED BY THE GOVERNOR APRIL 13, 2011.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2011.~~

Passed the House February 14, 20 11

by the following vote: 59 Ayes,

1 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 5, 20 11

by the following vote: 22 Ayes,

6 Nays, 2 Not Voting

[Signature]
President of the Senate

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this day of , 20

at o'clock M.

Secretary of State

H.B. 2155

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 7, 2011,

by the following vote: 52 Ayes,

5 Nays, 3 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7 day of April, 2011,

at 2:35 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 13th day of

April, 2011,

at 10:13 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13th day of April, 2011,

at 4:59 o'clock P. M.

[Signature]
Secretary of State

H.B. 2155